

08-07-02

PTO/SB/29 (10-00)

Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## CONTINUED PROSECUTION APPLICATION (CPA)

## REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:

☐ DUPLICATE

Address to:

Assistant Commissioner for Patents  
Box CPA  
Washington, DC 20231Attorney Docket No.  
of Prior Application

13017-3

First Named Inventor

GOELET, Philip

Examiner Name

Arthur, Lisa

Group Art Unit

1655

Express Mail Label No.

EV 035772795 US

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),  
(continued prosecution application (CPA)) of prior application number 09 / 258,132,  
filed on 26 Feb. 1999, entitled Nucleic Acid Typing by Polymerase Extension...

## NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. ☐ Enter the unentered amendment previously filed on \_\_\_\_\_  
under 37 CFR 1.116 in the prior nonprovisional application.
2. ☒ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:  
.....
  - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
  - a. ☐ PTO-1449
  - b. ☐ Copies of IDS Citations

08/08/2002 BMGUYEN1 00000103 09258132

01 FC:131  
02 FC:102740.00 OP  
84.00 OP

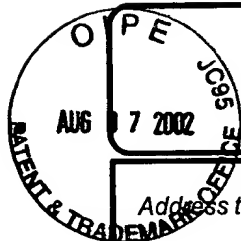
[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

CPA / 1600

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#17  
Cassa  
8/14/02

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c) or (j))		5 -20* =	0	x \$ 18.00 =	\$ 0
INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))		4 -3** =	1	x \$ 84.00 =	84.00
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				+ \$ _____ =	0
				BASIC FEE (37 CFR 1.16)	740.00
				Total of above Calculations =	824.00
Reduction by 50% for filing by small entity (Note 37 CFR 1.27).					0
* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.				TOTAL =	824.00

6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. \_\_\_\_\_:
- a. ☐ Fees required under 37 CFR 1.16.
- b. ☐ Fees required under 37 CFR 1.17.
- c. ☐ Fees required under 37 CFR 1.18.
8. ☒ A check in the amount of \$ 2,784.00 is enclosed.
9. ☐ Payment by credit card. Form PTO-2038 is attached.
10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of \_\_\_\_\_ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.
11. ☐ New Attorney Docket Number, if desired \_\_\_\_\_  
[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]
12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
- b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)
13. ☐ Other: \_\_\_\_\_

**NOTE:** The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

## 14. NEW CORRESPONDENCE ADDRESS

<input type="checkbox"/> Customer Number or Bar Code Label		<input type="checkbox"/> New correspondence address below	
(Insert Customer No. or Attach bar code label here)			
Name			
Address			
City	State	Zip Code	
Country	Telephone	Fax	

## 15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	J. David Ellett, Jr.
Signature	<i>J. David Ellett, Jr.</i>
Registration No. (Attorney/Agent)	27,875
Date	5 August 2002



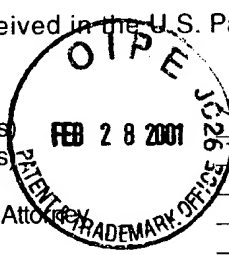
**P** 00763

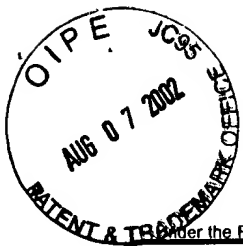
Kalow, Springut & Bressler

Docket No. 13017-3 Attorney Initials: FSA  
Applicant/Patentee: Goel et al.  
Serial/Patent No. 09/258,132 Filed/Issued: February 26, 1999

The following has been received in the U.S. Patent and Trademark Office on the date of stamped hereon:

<input type="checkbox"/> Specification ( <u>    </u> pages)	<input checked="" type="checkbox"/> Notice/Certificate of <u>ELL0553354/US</u>
<input type="checkbox"/> <u>    </u> Claims ( <u>    </u> pages)	<input checked="" type="checkbox"/> Mailing, dated <u>February 28, 2001</u>
<input type="checkbox"/> Abstract	<input type="checkbox"/> Transmittal Letter
<input type="checkbox"/> Declaration and Power of Attorney	<input type="checkbox"/> Provisional Application Cover Sheet
<input type="checkbox"/> Claim of Priority	<input type="checkbox"/> Request for F.W.C. Application
<input type="checkbox"/> Drawings ( <u>    </u> sheets)	<input type="checkbox"/> Preliminary Amendment
<input type="checkbox"/> Priority Document	<input checked="" type="checkbox"/> <u>Repl</u> Response to Office Action
<input type="checkbox"/> Assignment with Cover Sheet	<input checked="" type="checkbox"/> Petition Extension of Time ( <u>3</u> Mos.)
<input type="checkbox"/> Verified Statement	<input type="checkbox"/> Petition
<input type="checkbox"/> Disclosure Statement ( <u>    </u> citation)	<input type="checkbox"/> Notice of Appeal
<input checked="" type="checkbox"/> Check No. <u>3221</u> for \$ <u>890</u>	<input type="checkbox"/> Appellant's Brief
<input type="checkbox"/> Chapter II Demand	<input type="checkbox"/> Issue Fee Transmittal
<input type="checkbox"/> Request/Fee Calculation Sheets	<input checked="" type="checkbox"/> <u>Terminal Disclaimer</u>
<input checked="" type="checkbox"/> Check No. <u>3220</u> for \$ <u>110</u>	





PTO/SB/17 (11-01)  
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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 2,784.00

## Complete if Known

Application Number 09/258,132  
Filing Date 26 February 1999  
First Named Inventor Goelet, Philip  
Examiner Name Arthur, Lisa  
Group Art Unit 1655  
Attorney Docket No. 13017-3

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## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number 11-0171  
Deposit Account Name Kalow & Springut LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)		
101 740	201 370			Utility filing fee	740.00
106 330	206 165			Design filing fee	
107 510	207 255			Plant filing fee	
108 740	208 370			Reissue filing fee	
114 160	214 80			Provisional filing fee	

SUBTOTAL (1) (\$ ) 740.00

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims 5  
Independent Claims 4  
Multiple Dependent  
Extra Claims 0  
Fee from below 18  
Fee Paid 0  
Total Claims 5  
Independent Claims 4  
Multiple Dependent  
Extra Claims 1  
Fee from below 84  
Fee Paid 84.00

Large Entity		Small Entity		Fee Description
Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	
103 18	203 9			Claims in excess of 20
102 84	202 42			Independent claims in excess of 3
104 280	204 140			Multiple dependent claim, if not paid
109 84	209 42			** Reissue independent claims over original patent
110 18	210 9			** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ ) 84.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)		
105 130	205 65			Surcharge - late filing fee or oath	
127 50	227 25			Surcharge - late provisional filing fee or cover sheet	
139 130	139 130			Non-English specification	
147 2,520	147 2,520			For filing a request for <i>ex parte</i> reexamination	
112 920*	112 920*			Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*			Requesting publication of SIR after Examiner action	
115 110	215 55			Extension for reply within first month	
116 400	216 200			Extension for reply within second month	
117 920	217 460			Extension for reply within third month	
118 1,440	218 720			Extension for reply within fourth month	
128 1,960	228 980			Extension for reply within fifth month	1,960
119 320	219 160			Notice of Appeal	
120 320	220 160			Filing a brief in support of an appeal	
121 280	221 140			Request for oral hearing	
138 1,510	138 1,510			Petition to institute a public use proceeding	
140 110	240 55			Petition to revive - unavoidable	
141 1,280	241 640			Petition to revive - unintentional	
142 1,280	242 640			Utility issue fee (or reissue)	
143 460	243 230			Design issue fee	
144 620	244 310			Plant issue fee	
122 130	122 130			Petitions to the Commissioner	
123 50	123 50			Processing fee under 37 CFR 1.17(q)	
126 180	126 180			Submission of Information Disclosure Stmt	
581 40	581 40			Recording each patent assignment per property (times number of properties)	
146 740	246 370			Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370			For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370			Request for Continued Examination (RCE)	
169 900	169 900			Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 1,960.00

## SUBMITTED BY

Name (Print/Type) J. David Ellett Jr.  
Registration No. (Attorney/Agent) 27,875  
Telephone (212) 813-1600  
Signature [Signature]  
Date 5 August 2002

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